

EXHIBIT A

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1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF NEW YORK: TRIAL TERM PART 3
2 - - - - - X
3 YH LEX ESTATES LLC,

3 Petitioner,
4 INDEX NO.
5 - against - 151267/22

6 NIR MEIR, RANEE BARTOLACCI and
7 ERMITAGE ONE LLC,

7 Respondents.
8 - - - - - X
9 60 Centre Street
10 New York, New York
10 March 16, 2022
VIA MICROSOFT TEAMS

11 BEFORE: HONORABLE JOEL M. COHEN,
12 Justice

13 APPEARANCES:

14 SUSMAN GODFREY L.L.P.
15 Attorneys for the Petitioner
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22 New York, New York 10158
23 BY: PETER M. RIPIN, ESQ.
24 RICHARD WOLTER, ESQ.

25 YK LAW
26 Attorneys for Respondents
27 Ranee Bartolacci and Ermitage One LLC
28 32 East 57th Street - 8th Floor
29 New York, New York 10022
30 BY: PANKAJ MALIK, ESQ.

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF NEW YORK: TRIAL TERM PART 3
3 - - - - - X
4 YH LEX ESTATES LLC,

5 Plaintiff,
6 INDEX NO.
7 - against - 655980/20

8 H F Z CAPITAL GROUP LLC, ZIEL FELDMAN and
9 NIR MEIR,

10 Defendants.
11 60 Centre Street
12 New York, New York
13 March 16, 2022
14 **VIA MICROSOFT TEAMS**

15 BEFORE: HONORABLE JOEL M. COHEN,
16 Justice

17 APPEARANCES:

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35 BY: CHRISTOPHER MILITO, ESQ.
36 JAY SPEYER, ESQ.

37 Bonnie Piccirillo
38 Official Court Reporter
39

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1 office of all the discovery that he has, and I'd like the
2 opportunity to review them. And if he's going to make an
3 order to show cause for a TRO to restrain my client's
4 accounts without first making the showing that he's
5 entitled to even have the relief against her assets, I
6 think it is a little premature.

7 The other thing is that information subpoena and
8 duces tecum I mentioned earlier, he indexed it under the
9 prior index number where my client is not a party. So
10 does he want her to respond as a nonparty or a party?
11 Does he want to depose her as a party or a nonparty? I
12 mean, I need those things.

13 THE COURT: I get it. Give me a minute. I'm
14 going to chat with my law clerk about scheduling. Hold
15 on.

16 (Brief pause)

17 THE COURT: So here's what I can do, at least a
18 caveat or a suggestion.

19 I can move this to May 2nd for the trial. I can
20 give you -- as long as I have whatever briefing I need,
21 including the reply brief by let's say April 20th -- it
22 could be earlier than that.

23 MR. HATCH-MILLER: Your Honor, we couldn't hear
24 the date.

25 MR. MALIK: Sorry, I couldn't hear it.

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1 THE COURT: The week of May 2nd.

2 MR. MALIK: And for the briefing schedule, to be
3 complete by what date?

4 THE COURT: I think that that can -- if you have
5 your brief in by April 11th and then the reply by let's
6 say April 18th, will give me time to make a decision. We
7 may end up -- you're going to be hurdling towards trial,
8 which is what we'd be doing anyway.

9 We'll give you -- I want to have a full and fair
10 chance for you to put whatever evidence you want to put
11 in, both sides to put in.

12 The deposition, which I understand has been
13 scheduled, I don't see any reason why it shouldn't go
14 forward as planned; but that way -- although, with that
15 deposition when it is planned give you time still to
16 write a brief by April 11th?

17 MR. MALIK: It is scheduled for April 11th, your
18 Honor. So I would request at least the following week
19 because I also have to confirm with my client that she's
20 comfortable doing it virtually or she's going to come up
21 to New York.

22 THE COURT: Why don't you just do the deposition
23 earlier? I'm not slowing -- I have absolutely no
24 patience to slow this thing down. So May 2nd I can give
25 you; and if you work out the briefing so that I get the

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1 papers in enough time to be able to review them and if
2 either make a decision -- and I don't know whether these
3 are being pitched as summary judgment papers or not,
4 but --

5 MR. HATCH-MILLER: Your Honor, can I make a
6 suggestion on the timing? Because I think it's important
7 that Ms. Bartolacci's papers stating whatever her
8 position is be submitted prior to that April 11th
9 deposition. I need to know --

10 THE COURT: That doesn't make any sense to me.
11 There should be -- let's take a step back, okay.

12 This briefing when you all do it should be based
13 on the record as best can you make it, just like a
14 summary judgment wouldn't happen until after discovery is
15 over.

16 So, I think what you need to do, Ms. Malik, is
17 turn up the jets on the discovery front-loading mat so
18 that this deposition happens much sooner.

19 We're not talking about deposing the CEO of a
20 multimillion -- a global corporation who has to go
21 through 7 million records to figure out what's going on.
22 This is her personal life.

23 So while you need to get up to speed, what I'm
24 going to suggest is that you accelerate on both sides
25 whatever discovery you need to do so that -- and I mean

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1 really accelerate it and get it done. So that when you
2 file your brief -- you asked for thirty days and I'm
3 giving it to you, April 11th, that should be based on
4 pretty much what the record is going to be.

5 So there's a little bit of flexibility in this,
6 I guess, if we're going to have May 2nd; but we're not
7 talking about you put your brief in, then you have a
8 deposition, then the record is different.

9 I want when you file your papers, you should
10 have your act together, including what your client's on
11 the record saying and everything.

12 MR. MALIK: Your Honor, I just want to point out
13 one -- may I proceed, your Honor?

14 THE COURT: Yes.

15 MR. MALIK: I just want to point out one thing.
16 My client from my conversations with her is not just some
17 simple person that came into it with one or two bank
18 accounts.

19 THE COURT: Just to be clear, I didn't mean that
20 to sound -- what I meant to say is that she doesn't have
21 500 employees to get e-mails from and everything else.

22 MR. MALIK: So the only thing I would request
23 then that if the deposition is supposed to stay -- let me
24 just check my calendar, one second, for April 11th. I
25 didn't know if I had anything else on the date, but I

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1 would like it to be rather than me working on preparing
2 for the deposition and the brief, I'd like it to be so
3 that I'm done with the brief by April 10th, which is a
4 Sunday, April 11th and then do the deposition on the 12th
5 or the 13th.

6 THE COURT: No, you're not listening to me,
7 okay.

8 I want you to be able in your brief to put in
9 whatever evidence you have put into discovery, including
10 your client's testimony. I don't want there to be a
11 brief and then the -- without you being able to include
12 whatever relevant evidence there should be.

13 So let's do this the way this normally works,
14 which is you have discovery first and then you put
15 summary judgment papers in. The price of us moving this
16 trial is that while you are getting up to speed,
17 discovery that is very targeted and solely for purposes
18 of this trial has to be accelerated substantially so that
19 you get all discovery done. And, again, if it's not
20 April 11th, but sometime that week, and as long as I get
21 papers the next week in reply, that's fine, but I want it
22 to be on a full record.

23 MS. MALIK: Your Honor --

24 THE COURT: Let me hear from Mr. Hatch-Miller
25 real quickly, and then I have to wrap this up.

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1 MR. HATCH-MILLER: And I appreciate everything
2 that you're doing today, your Honor, and will respect
3 your time.

4 I on the discovery front for weeks, even before
5 Ms. Malik appeared, I've been asking Mr. Hutcher's firm
6 and now Ms. Malik's firm to tell me that they'll agree to
7 accept service on counsel of discovery papers. We can
8 serve discovery papers and under the judgment enforcement
9 provisions, we're entitled to get responses, information,
10 basically interrogatories in seven days, documents in
11 ten.

12 I haven't been able to serve them yet. They're
13 going to be very limited because no one will accept
14 service. I can serve the requests today if either Ms.
15 Malik will confirm that she'll agree to e-mail service or
16 if your Honor on the record orders acceptance of e-mail
17 service so that --

18 THE COURT: Here are of the choices, here are of
19 the choices, Ms. Malik. We either keep the current
20 schedule and you all do whatever you're going to do with
21 these discovery things and whatever is going on with
22 service; or I give you the extra time, you commit --
23 everyone commits to finishing discovery within the next
24 really two weeks and so that you have a full and fair
25 opportunity the week of April 11th -- we can come up with

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1 a specific date -- but, really in that week and so that
2 we have a record upon which summary judgment can be
3 evaluated without deposition transcripts coming in over
4 the transom after your brief is over with where you will
5 certainly ask for a sur-reply at that point and we're
6 jury's not going to do that.

7 So if you are willing to -- well, I'm putting in
8 a discovery -- an accelerated discovery period where I
9 want discovery finished by April 8th, all submissions,
10 all documents, everything.

11 MS. MALIK: Your Honor, I would just request,
12 Mr. Hatch-Miller, what exactly are the discovery
13 documents --

14 THE COURT: Hang on. I really have got to get
15 moving. What I'm telling you is that the discovery for
16 this proceeding should be completed by April 8th, and
17 then I'll give you till April --

18 MR. HATCH-MILLER: April 15th is the Friday,
19 your Honor.

20 THE COURT: April 15th to file your opposition
21 and then the 22nd for reply.

22 MR. HATCH-MILLER: And, your Honor, just to
23 state very quickly on the record my intention.

24 I intend to send Ms. Malik and to ask her to
25 accept e-mail service of a very limited information

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1 subpoena and document subpoena under the judgment
2 enforcement provisions by tomorrow the 17th. That would
3 make the documents -- the written response is due on the
4 24th, the documents due on the 28th.

5 And we're just going to ask, basically, for
6 whatever documents they have related to Ms. Bartolacci's
7 claim that she owned Ermitage -- sorry -- that she own
8 the 40 Meadow Lane property, the EZL entity and EAM
9 entity, and anything she has that supports her claim that
10 this was not a \$13 million fraudulent transfer. So, if
11 she's got e-mails that show she really owned this thing,
12 her correspondence and e-mails with Mr. Meir or others
13 about the sale of the property and the transfers, it's
14 pretty limited and we'll get those out tomorrow and my
15 expectation is we'll get a date for Ms. Bartolacci's
16 deposition, which should be the only deposition we take
17 the week of April -- sometime the week of April 4th as
18 you said to complete discovery by the 8th.

19 MS. MALIK: So, I will take -- I haven't seen
20 the demands --

21 THE COURT: Honestly, I'm not negotiating this
22 right now. If they're narrowly targeted discovery
23 requests, you can assume I'll enforce them. If they are
24 far and wide, then there's going to be objections, I
25 expect that.

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1 If that happens, then I'll deal with it. You
2 need to work out a schedule to be done by the 8th. I'll
3 give you to the 15th which is now more than thirty days
4 that you've asked for to have your opposition and that's
5 it.

6 Now, I'm hopeful I do not need in the interim,
7 but I will accept it if it needs to be filed, about some
8 request about restraining assets. If we move this with
9 this speed and there are no problems and nothing new
10 comes up, I'm willing to just get things done on this
11 schedule.

12 But --

13 MR. HATCH-MILLER: And I'll take into account,
14 your Honor, in deciding whether to do that, the
15 representations that have been made today that
16 Ms. Bartolacci does have significant assets so that such
17 that she's not going to try to hide behind poverty once
18 the 13 million dollar judgment is hopefully entered.
19 I'll consider that in deciding whether to file this
20 motion.

21 THE COURT: I took that as the representation as
22 well. Well, actually, what I think was said is that she
23 came into the marriage with substantial assets. I don't
24 know whether they have been dissipated, but we just need
25 to wrap this up.

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1 So, I give you your extra time subject to full
2 discovery, responding to targeted requests, limited to
3 what's at issue in this proceeding which is a narrowly
4 tailored proceeding. Get it done by the 8th. Get the
5 briefs in by the 15th and the 22nd and figure out whether
6 this is a jury trial or not, and we'll have to arrange
7 for a jury to be called in because I think we're still
8 calling in jurors for specific trials, although that may
9 be changing.

10 All right, let's all I have time for today. Is
11 I hope the message is clear.

12 MR. MALIK: Thank you very much, your Honor, for
13 your courtesies and your ruling.

14 Who I do contact to get a copy of the transcript
15 for today's proceedings?

16 THE COURT: Bonnie will give her e-mail address
17 in the chat box at the bottom of the screen.

18 Thank you, all. Please stay safe and healthy,
19 and I will see you soon.

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C E R T I F I C A T I O N

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5 INDEX 151267/22 and 655980/20 YH Lex v Nir Meir et al

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THIS IS HEREBY CERTIFIED TO BE A
TRUE AND CORRECT TRANSCRIPT.

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BONNIE PICCIRILLO
OFFICIAL COURT REPORTER

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